

Application No. 09/758,759
Amendment and Response to Restriction Requirement

Amendment to the claims

Please amend claims 4, 12-16, 24, 28, 29 and 31 and cancel claims 1-3, 5-11, 18-23, 25-27, 30 and 33-36 without prejudice.

Listing of Claims

This listing of claims will replace all prior versions and listings of claims in the Application.

Claims 1-3 (Cancelled).

Claim 4 (Currently amended). An isolated nucleic acid comprising a ~~coding~~ sequence from the nucleotide sequence of SEQ ID NO:1.

Claims 5-11 (Cancelled).

Claim 12 (Currently Amended). ~~An expression A~~ vector comprising a nucleic acid of claim 2 ~~4~~ operably associated with an expression control sequence.

Claim 13 (Currently Amended). A host cell comprising containing the expression a vector of claim 12.

Claim 14 (Currently Amended). ~~The A~~ host cell of claim 13, which is a bacterial host cell.

Claim 15 (Currently Amended). ~~The A~~ host cell of claim 14, which is an *E. coli* or an actinomycete.

Claim 16 (Currently Amended). ~~The A~~ host cell of claim 15, which is *Streptomyces* or *Micromonospora*.

Claim 17 (Original). A method for expressing an everninomicin biosynthetic pathway gene product from a *Micromonospora carbonacea*, comprising culturing a

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host cell of claim 16 under conditions that permit expression of the everninomicin biosynthetic pathway gene product.

Claims 18-23 (Cancelled).

Claim 24 (Currently Amended). A method for selecting for growth of a transfected or transformed host cell comprising an everninomycin-resistant growth phenotype, comprising selecting growing a host cell containing the vector of claim 23 12 and cultured in the presence of an amount of everninomicin that is toxic to the a host cell which does not contain the vector.

Claims 25-27 (Cancelled).

Claim 28 (Currently Amended). A vector for genetic integration in an actinomycete host cell comprising the nucleic acid of claim 26 4.

Claim 29 (Currently Amended). ~~The~~ A vector of claim 28, further comprising a heterologous gene ~~operatively associated with an expression control sequence~~.

Claim 30 (Cancelled).

Claim 31 (Currently Amended). A method for introducing a heterologous gene into an actinomycete, comprising introducing the vector of claim 28 29 into the actinomycete.

Claim 32 (Original). The method according to claim 31, wherein the actinomycete is of the genus *Micromonospora*.

Claims 33-36 (Cancelled).